Senate Study Bill 1120 - Introduced

SENATE/HOUSE FILE			
ВУ	(PROPOSED	ATTORNEY	GENERAL
	BILL)		

A BILL FOR

- 1 An Act relating to the computation of the economic losses of
- 2 crime victims and payment of compensation by the state.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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- 1 Section 1. Section 915.80, Code 2015, is amended by adding
- 2 the following new subsections:
- 3 NEW SUBSECTION. 4A. "Emergency relocation" means a
- 4 relocation that takes place within thirty days of the date of a
- 5 crime or the discovery of a crime, or within thirty days after
- 6 a crime could reasonably be reported. "Emergency relocation"
- 7 also includes a relocation that takes place within the thirty
- 8 days before or after an offender related to the crime is
- 9 released from incarceration.
- 10 NEW SUBSECTION. 4B. "Housing assistance" means living
- 11 expenses associated with owning or renting housing, including
- 12 essential utilities, intended to maintain or reestablish the
- 13 living arrangement, health, and safety of a victim impacted by
- 14 a crime.
- 15 Sec. 2. Section 915.84, Code 2015, is amended by adding the
- 16 following new subsection:
- 17 NEW SUBSECTION. 1A. The department may waive, for good
- 18 cause shown, the requirement that an emergency relocation must
- 19 take place within thirty days of the date or discovery of a
- 20 crime or within thirty days before or after the offender is
- 21 released from incarceration.
- 22 Sec. 3. Section 915.86, subsections 4, 8, 9, 10, 13, 14, and
- 23 15, Code 2015, are amended to read as follows:
- 4. Loss of income from work that the victim, the victim's
- 25 parent or caretaker, secondary victim, or the survivor of a
- 26 homicide victim as described in subsection $\frac{10}{10}$ 9 would have
- 27 performed and for which that person would have received
- 28 remuneration, where the loss of income is a direct result of
- 29 cooperation with the investigation and prosecution of the
- 30 crime or attendance at criminal justice proceedings including
- 31 the trial and sentencing in the case, or where the loss of
- 32 income is a direct result of planning for or attending funeral,
- 33 burial, or memorial services of the homicide victim, not to
- 34 exceed one thousand dollars per person.
- 35 8. In the event of a victim's death, reasonable charges

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1 incurred for counseling the victim's spouse, children, parents,
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- 2 siblings, or persons cohabiting with or related by blood or
- 3 affinity to the victim the survivors of a homicide victim as
- 4 described in subsection 9, if the counseling services are
- 5 provided by a psychologist licensed under chapter 154B, a
- 6 victim counselor as defined in section 915.20A, subsection
- 7 l, or an individual holding at least a master's degree in
- 8 social work or counseling and quidance, and reasonable charges
- 9 incurred by such persons for medical care counseling provided
- 10 by a psychiatrist licensed under chapter 148. The allowable
- 11 charges under this subsection shall not exceed five thousand
- 12 dollars per person.
- 9. In the event of a homicide, reasonable charges
- 14 incurred for health care for the survivors of the homicide
- 15 victim who are the victim's spouse; child, foster child,
- 16 stepchild, son-in-law, or daughter-in-law; parent, foster
- 17 parent, or stepparent; sibling, foster sibling, stepsibling,
- 18 brother-in-law, or sister-in-law; grandparent; grandchild;
- 19 aunt, uncle, or first cousin; legal ward; or person cohabiting
- 20 with the victim; or person related by blood or affinity to the
- 21 victim, not to exceed three thousand dollars per survivor.
- 22 10. In the event of a homicide, loss of income from
- 23 work that, but for the death of the victim, would have
- 24 been earned by the victim's spouse; child, foster child,
- 25 stepchild, son-in-law, or daughter-in-law; parent, foster
- 26 parent, or stepparent; sibling, foster sibling, stepsibling,
- 27 brother-in-law, or sister-in-law; grandparent; grandchild;
- 28 aunt, uncle, or first cousin; legal ward; or person cohabiting
- 29 with the survivors of a homicide victim as described in
- 30 subsection 9, not to exceed six thousand dollars per person.
- 31 13. Reasonable dependent care expenses incurred by the
- 32 victim, the victim's parent or caretaker, secondary victim, or
- 33 the survivor of a homicide victim as described in subsection
- 34 10 9 for the care of dependents while attending criminal
- 35 justice proceedings or medical or counseling services, or while

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- 1 planning for or attending funeral, burial, or memorial services
- 2 for the homicide victim, not to exceed one thousand dollars per
- 3 person.
- 4 14. Reasonable expenses incurred by a victim, the victim's
- 5 parent or caretaker secondary victim, or the survivor of a
- 6 homicide victim as described in subsection 10 9 to replace or
- 7 to provide locks, windows, and other crime-related residential
- 8 security items at the victim's residence or at the residential
- 9 scene of a crime, not to exceed five hundred dollars per
- 10 residence person.
- 11 15. Reasonable expenses incurred by the victim, a secondary
- 12 victim, the parent or guardian of a victim, or the survivor
- 13 of a homicide victim as described in subsection 10 9 for
- 14 transportation to medical, counseling, funeral, or criminal
- 15 justice proceedings, not to exceed one thousand dollars per
- 16 person.
- 17 Sec. 4. Section 915.86, Code 2015, is amended by adding the
- 18 following new subsections:
- 19 NEW SUBSECTION. 16. Reasonable charges incurred by a
- 20 victim, a secondary victim, the survivor of a homicide victim
- 21 as described in subsection 9, or by a victim service program on
- 22 behalf of a victim, for emergency relocation expenses, not to
- 23 exceed one thousand dollars per person per state fiscal year.
- 24 NEW SUBSECTION. 17. Reasonable expenses incurred by a
- 25 victim, or by a victim service program on behalf of a victim,
- 26 for up to three months of housing assistance, not to exceed two
- 27 thousand dollars per person per state fiscal year.
- 28 EXPLANATION
- The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.
- 31 This bill relates to the computation of the economic losses
- 32 of crime victims and payment of compensation by the state.
- 33 The bill specifies that the department of justice
- 34 administering the crime victim compensation program may award
- 35 reasonable charges incurred by a victim, a secondary victim,

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1 or the survivor of a homicide victim, or by a victim service

- 2 program on behalf of a victim, for emergency relocation
- 3 expenses, not to exceed \$1,000, per person, per state fiscal
- 4 year. To claim emergency relocation compensation under the
- 5 bill, the relocation shall have occurred within 30 days of the
- 6 date of a crime or the discovery of a crime, within 30 days
- 7 after a crime could reasonably be reported, or within 30 days
- 8 before or after the date the offender related to the crime is
- 9 released from incarceration. The 30-day limitation to conduct
- 10 an emergency relocation required by the bill may be waived by
- 11 the department of justice upon a showing of good cause. The
- 12 bill specifies that the 30-day time period to request emergency
- 13 relocation compensation may be waived by the department of
- 14 justice upon a showing of good cause.
- 15 The bill specifies that the department of justice may also
- 16 award reasonable expenses for up to three months of housing
- 17 assistance incurred by a victim or by a victim service program
- 18 on behalf of a victim, not to exceed \$2,000 per person per
- 19 state fiscal year.
- The amendment to Code section 915.86(4) expands the persons
- 21 eligible to receive victim compensation for loss of income due
- 22 to cooperating with an investigation, and attending criminal
- 23 justice proceedings, and other circumstances. The bill
- 24 specifies that a secondary victim is now eligible to receive
- 25 such compensation. Code section 915.80(5) defines "secondary
- 26 victim" to include the victim's spouse, children, parents, and
- 27 siblings, and any person who resides in the victim's household
- 28 at the time of the crime or at the time of the discovery of
- 29 the crime. The bill also expands the circumstances where loss
- 30 of income is reimbursed to include planning for or attending
- 31 funeral, burial, or memorial services of the homicide victim.
- 32 The bill limits the amount of compensation to no more than
- 33 \$1,000 per person. Current law limits the victim compensation
- 34 for loss of income to the victim, to the parent or caretaker
- 35 of the victim, and to certain survivors, and the circumstances

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- 1 that loss of income is compensable to cooperating with an
- 2 investigation and attending criminal justice proceedings.
- 3 In the event of the death of the victim, the amendment
- 4 to Code section 915.86(8) specifies that reasonable charges
- 5 incurred for counseling the survivors of a homicide victim are
- 6 payable as victim compensation to the survivors. The bill as
- 7 amended in Code section 915.86(9) describes survivors of a
- 8 homicide victim as the victim's spouse; child, foster child,
- 9 stepchild, son-in-law, or daughter-in-law; parent, foster
- 10 parent, or stepparent; sibling, foster sibling, stepsibling,
- 11 brother-in-law, or sister-in-law; grandparent; grandchild;
- 12 aunt, uncle, or first cousin; legal ward; person cohabiting
- 13 with the victim; or person related by blood or affinity to
- 14 the victim. Current law specifies that the victim's spouse,
- 15 children, parents, siblings, or person cohabiting with or
- 16 related by blood or affinity to the victim are eligible to have
- 17 counseling paid for as victim compensation.
- 18 The amendment to Code section 915.86(10) strikes provisions
- 19 relating to family members eligible to receive compensation for
- 20 loss of income due to the death of the victim and transfers
- 21 such provisions to Code section 915.86(9) and expands the
- 22 persons eligible to receive victim compensation for loss of
- 23 income from work due to the death of the victim to include any
- 24 person related to the victim by blood or affinity in an amount
- 25 not to exceed \$6,000 per person.
- The amendment to Code section 915.86(13) expands the
- 27 persons eligible to receive victim compensation for reasonable
- 28 dependent care expenses incurred for attending criminal justice
- 29 proceedings or medical or counseling services. The bill
- 30 specifies that "secondary victims", as defined in Code section
- 31 915.80(5), are eligible to receive such victim compensation.
- 32 Current law specifies that dependent care expenses are only
- 33 awardable as victim compensation to the victim, the victim's
- 34 parent or caretaker, and certain survivors. The amendment to
- 35 Code section 915.86(13) also expands the events for which such

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- 1 reasonable dependent care expenses are awardable as victim
- 2 compensation to include planning for or attending funeral,
- 3 burial, or memorial services for the homicide victim.
- 4 The amendment to Code section 915.86(14) expands the persons
- 5 eligible to receive victim compensation for the replacement of
- 6 locks, windows, and other crime-related residential security
- 7 items, and permits such security items to be initially provided
- 8 to the person. The bill specifies that "secondary victims",
- 9 as defined in Code section 915.80(5), are eligible to receive
- 10 such victim compensation. Current law specifies that home
- 11 security expenses are only awardable as victim compensation
- 12 to the victim, the victim's parent or caretaker, and certain
- 13 survivors. The bill also strikes a provision that limits a
- 14 victim's residence or the residential scene of the crime as the
- 15 only locations for which victim compensation may be awarded
- 16 in order to replace residential security items. The bill
- 17 also specifies that the victim compensation for such security
- 18 items shall not exceed \$500 per person rather than \$500 per
- 19 residence.
- The amendment to Code section 915.86(15) makes an internal
- 21 reference change relating to transportation costs to medical,
- 22 counseling, funeral, or criminal justice proceedings, resulting
- 23 in extending such victim compensation to persons related by
- 24 blood or affinity to the victim but excluding guardians from
- 25 the receipt of such victim compensation.